

FORM PTO-1390 (Modified)
(REV 10-95)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES

01124

DESIGNATED/ELECTED OFFICE (DO/EO/US)

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

CONCERNING A FILING UNDER 35 U.S.C. 371

09/509712

INTERNATIONAL APPLICATION NO.

INTERNATIONAL FILING DATE

PRIORITY DATE CLAIMED

PCT/US98/21276

8 October 1998

10 October 1997

TITLE OF INVENTION

MAMMALIAN GENES INVOLVED IN VIRAL INFECTION AND TUMOR SUPPRESSION

APPLICANT(S) FOR DO/EO/US

RUBIN, Donald H.; ORGAN, Edward L.; DUBOIS, Raymond N.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:


1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ A copy of the International Search Report (PCT/ISA/210).
8. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 13 to 18 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
A **SECOND** or **SUBSEQUENT** preliminary amendment.
16. ☐ A substitute specification.
17. ☐ A change of power of attorney and/or address letter.
18. ☒ Certificate of Mailing by Express Mail
19. ☒ Other items or information:

Check in the amount of \$943.00 for filing fees; return-receipt postcard; Certificate of Express Mailing No. EL348124625US; Verified Statements Claiming Small Entity Status signed by Vanderbilt University and by Avatar BioSci, Inc.

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.53) 09/509702		INTERNATIONAL APPLICATION NO. PCT/US98/21276	ATTORNEY'S DOCKET NUMBER 01123.0004
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<p>20. The following fees are submitted:</p> <p>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :</p> <table border="0" style="width:100%"><tr><td><input checked="" type="checkbox"/> Search Report has been prepared by the EPO or JPO</td><td style="text-align:right">\$840.00</td></tr><tr><td><input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482)</td><td style="text-align:right">\$670.00</td></tr><tr><td><input type="checkbox"/> No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2))</td><td style="text-align:right">\$760.00</td></tr><tr><td><input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO</td><td style="text-align:right">\$970.00</td></tr><tr><td><input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)</td><td style="text-align:right">\$96.00</td></tr></table> <p style="text-align:center">ENTER APPROPRIATE BASIC FEE AMOUNT =</p>	<input checked="" type="checkbox"/> Search Report has been prepared by the EPO or JPO	\$840.00	<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482)	\$670.00	<input type="checkbox"/> No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2))	\$760.00	<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO	\$970.00	<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)	\$96.00	CALCULATIONS PTO USE ONLY																																									
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<p><input checked="" type="checkbox"/> A check in the amount of \$943.00 to cover the above fees is enclosed.</p> <p><input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 14-0629 A duplicate copy of this sheet is enclosed.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <div style="border: 1px solid black; padding: 5px;"><p>Janice A. Kimpel, Ph.D. NEEDLE & ROSENBERG, P.C. 127 Peachtree Street, N.E., Suite 1200 Atlanta, Georgia 30303 U.S.A. (404) 688 0770</p></div>		<p style="text-align:center"> SIGNATURE</p> <p>Janice A. Kimpel NAME</p> <p>42,734 REGISTRATION NUMBER</p> <p>March 30, 2000 DATE</p>																																																		

CERTIFICATE OF EXPRESS MAILING

I hereby certify that the filing of the U.S. National Phase in the names of Rubin *et al.*, consisting of: Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (2 pages), a check in the amount of \$943.00 for filing fee, Verified Statement Claiming Small Entity Status by Vanderbilt University (2 pages), Verified Statement Claiming Small Entity Status by Avatar BioSci, Inc. (2 pages), Declaration/Power of Attorney by Rubin, Organ & Dubois and return-receipt postcard are being deposited with the United States Postal Service as Express Mail No. EL348124625US in an envelope addressed to: Box PCT, Assistant Commissioner for Patents, Washington, D.C., 20231, on this **30th** day of **March 2000**.



Everardo McFarlane3-30-2000
Date